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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,793	08/09/2000	Zceman Zhang	99482	5219

7590 07/15/2003

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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 07/15/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

17

Office Action Summary

Application No.

09/634,793

Applicant(s)

ZHANG ET AL.



Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 28-32, 35 and 37-39** are rejected under 35 U.S.C. 102(b) as being anticipated by Devillier (US 5,850,435).

Regarding **claim 28**, Devillier discloses a method for audible caller name announcement with call list feature (column 1, lines 8-10), (which reads on claimed “a method for providing a telecommunications service with automatic speech recognition to a telecommunications user”), comprising:

detecting an incoming communication (column 5, line 23 “a call”) from a calling party (column 5, line 24 “a caller”) to the telecommunications user (column 5, lines 17-24) [The caller initiates a call to a subscriber];

placing an outgoing communication (column 6, line 4 “an announcement”) to the telecommunications user (column 6, line 5 “the subscriber”) identifying the calling party in response to detection of the incoming call (column 6, lines 1-6) [The IP plays an announcement to the subscriber identifying the calling party]; and

automatically recognizing a predetermined keyword spoken (column 6, line 7 “say two”) by the telecommunications user in response to the outgoing message

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(column 6, lines 6-14) [The subscriber says two to reject the call, the IP plays a message to the subscriber].

Regarding **claim 29**, Devillier discloses wherein placing an outgoing communication includes placing an outgoing communication to the telecommunications user identifying the calling party when it is determined that the telecommunications user is a subscriber of the telecommunications service (column 6, lines 1-6).

Regarding **claims 30 and 37**, Devillier discloses processing the incoming communication based on recognition of the predetermined keyword (column 6, lines 6-14).

Regarding **claims 31 and 38**, Devillier discloses wherein processing the incoming communication includes routing the incoming communication to the telecommunications user based on recognition of a first predetermined keyword (column 6, lines 1-6).

Regarding **claims 32 and 39**, Devillier discloses wherein processing the incoming communication includes routing the incoming communication to a messaging system associated with the telecommunications user based on recognition of a second predetermined keyword (column 6, lines 6-14).

Regarding **claim 35**, Devillier discloses a method for audible caller name announcement with call list feature (column 1, lines 8-10), (which reads on claimed “a network for providing a telecommunications service with automatic speech recognition to a telecommunications user”), comprising:

means for detecting an incoming communication (column 5, line 23 “a call”) from a calling party (column 5, line 24 “a caller”) to the telecommunications user (column 5, lines 17-24) [The switch detects the caller initiating a call to a subscriber];

means for placing an outgoing communication (column 6, line 4 “an announcement”) to the telecommunications user identifying the calling party in response to detection of the incoming call (column 6, lines 1-6) [The IP plays an announcement to the subscriber identifying the calling party]; and

means for automatically recognizing a predetermined keyword spoken (column 6, line 7 “say two”) by the telecommunications user in response to the outgoing message (column 6, lines 6-14) [The subscriber says two to reject the call, the IP plays a message to the subscriber].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetz (US 5,566,235) in view of Henry et al. (US 6,580,790).

Regarding **claim 1**, Hetz discloses a customer controlled service mediation management (column 1, lines 6-10), (which reads on claimed "a network for providing a telecommunications service with automatic speech recognition to a telecommunications user"), comprising:

a switch (21 on FIG. 1) in communication with a telecommunications device (10 on FIG. 1) associated with the telecommunications user for detecting a terminating trigger (column 9, line 11 “a service request”) specific to the telecommunications service in response to an incoming communication (column 9, line 13 “dialed digit information”) to the telecommunications device from a calling party (column 9, lines 10-18) [The switch responds to a service request on a local communication line from a calling station]; and

an intelligent resource server (29 on FIG. 1) in communication with the switch for receiving the incoming communication from the switch, for placing an outgoing communication (column 8, line 28 “enhanced announcement”) to the telecommunications device via the switch (column 8, lines 26-35).

Hetz fails to disclose the outgoing communication including an audible message identifying the calling party.

However, Henry teaches the outgoing communication including an audible message identifying the calling party, and for automatically recognizing a predetermined keyword spoken by the telecommunications user in response to the outgoing communication (column 3, lines 30-63).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the outgoing communication including an audible message identifying the calling party of Henry in the invention of Hetz.

The modification of the invention would offer the capability of the outgoing communication including an audible message identifying the calling party such as the system would assist callers with obtaining another party's telephone number.

Regarding **claims 2 and 11**, Hetz discloses wherein the switch includes an SSP switch of a central office in communication with the telecommunications device via a subscriber line (column 7, lines 36-48).

Regarding **claims 3 and 12**, Hetz discloses wherein the switch includes a switch of a mobile switching center in communication with the telecommunications device via an air-interface communication scheme (column 4, lines 43-67).

Regarding **claims 4 and 13**, Hetz discloses a service control point in communication with the switch (column 7, lines 36-48).

Regarding **claims 5 and 14**, Hetz discloses the switch is further for sending a query message to the service control point in response to detecting the terminating trigger (column 9, lines 56-64); and

the service control point is for returning a message to the switch to route the incoming communication to the intelligent resource server (column 10, lines 8-27).

Regarding **claims 6 and 15**, Hetz discloses wherein the service control point is further for returning the message to the switch to route the incoming communication to the intelligent resource server based on a determination of whether the telecommunications user is a subscriber of the telecommunications service (column 10, lines 8-27).

Regarding **claims 7, 16 and 23**, Hetz and Henry as applied to **claims 1, 10 and 22** differ from **claims 7, 16, and 23**, in that it fails to disclose recognition of the predetermined keyword.

However, Henry teaches wherein the intelligent resource server is further for processing the incoming communication based on recognition of the predetermined keyword (column 3, lines 49-63).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the recognition of the predetermined keyword of Henry in the invention.

The modification of the invention would offer the capability of the recognition of the predetermined keyword such as the system would assist callers with obtaining another party's telephone number.

Regarding **claims 8 and 17**, Hetz and Henry as applied to **claims 7 and 16** differ from **claims 8 and 17**, in that it fails to disclose recognition of a first predetermined keyword.

However, Henry teaches wherein the intelligent resource server is further for forwarding the incoming communication to the telecommunications device based on recognition of a first predetermined keyword (column 3, lines 49-63).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the recognition of a first predetermined keyword of Henry in the invention.

The modification of the invention would offer the capability of the recognition of a first predetermined keyword such as the system would assist callers with obtaining another party's telephone number.

Regarding **claims 9, 18 and 24**, Hetz and Henry as applied to **claims 8, 17 and 23** differ from **claims 9, 18 and 24**, in that it fails to disclose recognition of a second predetermined keyword.

However, Henry teaches wherein the intelligent resource server is further for forwarding the incoming communication to a messaging system associated with the telecommunications user based on recognition of a second predetermined keyword (column 3, lines 49-63).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the recognition of a second predetermined keyword of Henry in the invention.

The modification of the invention would offer the capability of the recognition of a second predetermined keyword such as the system would assist callers with obtaining another party's telephone number.

Regarding **claim 10**, Hetz discloses a customer controlled service mediation management (column 1, lines 6-10), (which reads on claimed "a network for providing a telecommunications service with automatic speech recognition to a telecommunications user"), comprising:

a switch (21 on FIG. 1) in communication with a telecommunications device (10 on FIG. 1) associated with the telecommunications user for detecting a terminating trigger (column 9, line 11 "a service request") specific to the telecommunications service in response to an incoming communication (column 9, line 13 "dialed digit information") to the telecommunications device from a calling party;

a call processing module (29 on FIG. 1) in communication with the switch for receiving the incoming communication from the switch and for placing an outgoing communication (column 8, line 28 "enhanced announcement") to the telecommunications device via the switch (column 8, lines 26-35); and

an automatic speech recognition module (column 8, line 29 "speech recognition") in communication with the switch (column 8, lines 26-35).

Hetz fails to disclose the outgoing communication including an audible message identifying the calling party.

However, Henry teaches the outgoing communication including an audible message identifying the calling party, and for recognizing a predetermined keyword spoken by the telecommunications user in response to the outgoing communication (column 3, lines 30-63).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the outgoing communication including an audible message identifying the calling party of Henry in the invention of Hetz.

The modification of the invention would offer the capability of the outgoing communication including an audible message identifying the calling party such as the system would assist callers with obtaining another party's telephone number.

Regarding **claims 19 and 25**, Hetz and Henry as applied to **claims 10 and 23** differ from **claims 19 and 25**, in that it fails to disclose playing the audible message identifying the calling party.

However, Henry teaches an enunciation module in communication with the switch for playing the audible message identifying the calling party (column 3, lines 30-48).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the playing the audible message identifying the calling party of Henry in the invention.

The modification of the invention would offer the capability of playing the audible message identifying the calling party such as the system would assist callers with obtaining another party's telephone number.

Regarding **claims 20 and 26**, Hetz discloses a DTMF decoder module in communication with the switch for recognizing a predetermined DTMF character entered by the telecommunications user in response to the outgoing communication (column 3, lines 1-33).

Regarding **claims 21 and 27**, Hetz discloses wherein the call processing module is further for processing the incoming communication based on recognition of the predetermined DTMF character by the DTMF decoder module (column 3, lines 1-33).

Regarding **claim 22**, Hetz discloses a customer controlled service mediation management (column 1, lines 6-10), (which reads on claimed "an intelligent resource server for providing a telecommunications service with automatic speech recognition for a telecommunications user"), comprising:

a call processing module (29 on FIG. 1) for receiving from a switch (21 on FIG. 1) in communication with a telecommunications device (10 on FIG. 1) associated with the telecommunications user an incoming communication (column 9, line 13 "dialed digit information") to the telecommunications device from a calling party, and for placing an

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outgoing communication (column 8, line 28 "enhanced announcement") to the telecommunications device via the switch (column 8, lines 26-35);

an automatic speech recognition module (column 8, line 29 "speech recognition") in communication with the call processing module (column 8, lines 26-35).

Hetz fails to disclose the outgoing communication including an audible message identifying the calling party.

However, Henry teaches the outgoing communication including an audible message identifying the calling party, and for recognizing a predetermined keyword spoken by the telecommunications user in response to the outgoing communication (column 3, lines 30-63).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the outgoing communication including an audible message identifying the calling party of Henry in the invention of Hetz.

The modification of the invention would offer the capability of the outgoing communication including an audible message identifying the calling party such as the system would assist callers with obtaining another party's telephone number.

6. **Claims 33-34 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Devillier in view of Hetz.

Regarding **claims 33 and 36**, Devillier as applied to **claims 28 and 35** differs from **claims 33 and 36**, in that it fails to disclose recognizing a predetermined DTMF character.

However, Hetz teaches recognizing a predetermined DTMF character entered by the telecommunications user in response to the outgoing communication (column 3, lines 1-33).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the recognizing a predetermined DTMF character of Hetz in the invention of Devillier.

The modification of the invention would offer the capability of recognizing a predetermined DTMF character as the system would offer totally separate independent services.

Regarding **claim 34**, Devillier and Hetz as applied to **claim 33** differ from **claim 34**, in that it fails to disclose recognizing a predetermined DTMF character.

However, Hetz teaches processing the incoming communication based on recognition of the predetermined DTMF character (column 3, lines 1-33).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the recognizing a predetermined DTMF character of Hetz in the invention of Devillier.

The modification of the invention would offer the capability of recognizing a predetermined DTMF character as the system would offer totally separate independent services.

Response to Arguments


7. Applicant's arguments with respect to **claims 1-39** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
July 8, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

